

Message Text

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44

ACTION VO-03

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FM AMCONSUL HONG KONG

TO SECSTATE WASHDC 1639

INFO USLO PEKING

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E.O. 11652: N/A

TAGS: CVIS, CH

SUBJECT: AVAILABILITY OF CIVIL DOCUMENTS, PRC

REF: STATE 157884 AND PREVIOUS

1. CONGEN HAD RECOGNIZED PROBLEM OF LACK OF SPECIFIC INFORMATION RE OBTENTION OF DOCUMENTS DESCRIBED IN PEKING'S A-5. OUR OM OF APRIL 19 TO USLO, COPY TO DEPARTMENT, WAS EFFORT OBTAIN MORE SPECIFIC INFORMATION.
2. USLO HAS NOW INFORMED US THEY HAVE BEEN ABLE OBTAIN NO FURTHER INFORMATION, EXCEPT THAT USLO HAS BEEN RECEIVING ITS FEES FOR AUTHENTICATION FROM THE PRC FOREIGN MINISTRY, AND THAT REQUESTS FOR DOCUMENTS SHOULD BE ADDRESSED TO THE PEOPLE'S COURT AT PROVINCIAL CAPITALS.
3. THE INFORMATION WE HAVE BEEN GIVING TO APPLICANTS FROM WHOM PRC DOCUMENTS REQUESTED ONLY REDRAFTED VERSION OF INFO CONTAINED PEKING A-5. AFTER DRY SPELL SINCE WE BEGAN REQUESTING DOCUMENTS IN LATE MARCH, THEY HAVE STARTED COMING THROUGH IN RESPECTABLE NUMBERS. DIFFICULT ASSESS AVAILABILITY BECAUSE WE HAVE ONLY BEEN REQUESTING IN QUESTIONABLE CASES AND WOULD THEREFORE NOT EXPECT ALL APPLICANTS TO BE ABLE TO OBTAIN DOCUMENTS. ALTHOUGH SEVERAL APPLICANTS HAVE ARGUED THAT DOCUMENTS WOULD NOT BE AVAILABLE TO THEM BECAUSE THEY ESCAPEES, SO FAR NONE HAS MADE

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SHOWING OF REASONABLE UNSUCCESSFUL EFFORTS OBTAIN DOCUMENTS, AND

WE HAVE NOT CONSIDERED THEM UNAVAILABLE.

4. USLO HAS ASKED US TO SUGGEST LANGUAGE FOR 9FAM APPENDIX B. OUR SUGGESTION FOLLOWS.

5. POLICE, PRISON AND MILITARY RECORDS: UNAVAILABLE.

6. BIRTH, MARRIAGE, DIVORCE AND DEATH CERTIFICATES: AVAILABLE. PEOPLE'S COURTS AT THE DISTRICT OR CITY LEVEL IN THE PEOPLE'S REPUBLIC OF CHINA ARE PREPARED TO ISSUE DOCUMENTS ATTESTING TO SUCH MATTERS AS BIRTH, MARRIAGE, AND FAMILY RELATIONSHIP. THE SIGNATURE OF THE LOCAL OFFICIAL IS THEN AUTHENTICATED BY AN OFFICIAL OF THE CONSULAR DEPARTMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA, AND THAT OFFICIALS SIGNATURE IS AUTHENTICATED BY AN OFFICIAL OF THE U.S. LIAISON OFFICE IN PEKING.

7. THESE DOCUMENTS MAY BE APPLIED FOR BY PERSONS RESIDING IN CHINA ON BEHALF OF INDIVIDUALS RESIDING ELSEWHERE, OR PERSONS OUTSIDE CHINA MAY WRITE DIRECTLY TO THE APPROPRIATE DISTRICT COURT. WE HAVE BEEN INFORMED BY OUR LIAISON OFFICE IN PEKING THAT THE DISTRICT COURT FEE IS APPROXIMATELY YUAN 5 (\$2.50 AT THE PRESENT RATE OF EXCHANGE). THE FEE SHOULD ACCOMPANY THE ORIGINAL REQUEST, AS SHOULD AN ADDITIONAL FEE OF \$2.50 WHICH WILL BE CHANGED BY USLO TO AUTHENTICATE THE FOREIGN MINISTRY SIGNATURE.

8. F.Y.I. IN VIEW OF THE LONG DELAYS EXPERIENCED IN OBTAINING DOCUMENTS, AND THE UNCERTAINTY WHICH SURROUNDS THE MECHANICS OF THEIR OBTENTION, WE HAVE THUS FAR ONLY REQUESTED DOCUMENTS IN QUESTIONABLE CASES WHICH CANNOT BE RESOLVED ON THE BASIS OF SECONDARY EVIDENCE. WE ARE ALSO UNCERTAIN HOW FAR BACK PRC RECORDS GO, AND THEREFORE ARE RELUCTANT TO REQUEST DOCUMENTS FROM PERSONS WHO EXITED PRC PRIOR TO 1960 AND WHO DO NOT HAVE CLOSE RELATIVES STILL IN PRC. IN NO CASE SHOULD A DOCUMENT BE REQUESTED OF A PERSON WHO DEPARTED PRIOR TO 1950, AND ONLY RARELY OF PERSONS WHO LEFT BEFORE 1955. THE DEPARTMENT MAY WISH TO INCORPORATE THIS INFORMATION IN APPENDIX B AS GUIDANCE TO CONSULAR OFFICERS.

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